

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Harvey Dupey,

Civil No. 12-1233 (RHK/TNL)

Plaintiff,

ORDER

v.

Jennifer Smith, Ann McDonald, Sara Hard,
Nan Larson, Michelle Smith,

Defendants.

Plaintiff, while an inmate at the Minnesota Correctional Facility-Oak Pak Heights, initiated this 42 U.S.C. § 1983 action, alleging that the Defendants violated the Eighth and Fourteenth Amendments by failing to provide him with adequate medical care. Defendant filed Motions to Dismiss and for Summary Judgment. In a July 23, 2013 Report and Recommendation, United States Magistrate Judge Tony N. Leung recommended that those Motions be granted. Now before the Court are Plaintiff's Objections to Judge Leung's recommendation.

The Court has reviewed de novo the recommendations of Judge Leung as well as Plaintiff's Objections thereto. That review demonstrates that Judge Leung's decision is fully supported by the factual record presented to him and by controlling legal principles. Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objections (Doc. No. 63) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 62) is **ADOPTED**;

3. Defendants' Motions for Dismissal and Summary Judgment (Doc. Nos. 28 and 50) are **GRANTED**;

4. Plaintiff's Motions for Writs of Habeas Corpus Ad Testificandum (Doc. Nos. 18 and 19) are **DENIED AS MOOT**; and

5. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 15, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge